

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

THOMAS HOLLIS

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CR. NO. 1:97-CR-106-WHA

2:07-CV-431-WHA

ORDER

On May 14, 2007, Thomas Hollis, a defendant in this case, filed an application for writ of habeas corpus in which he argues that he is being denied adequate medical treatment at the Big Sandy United States Prison in Inez, Kentucky (Court Doc. No. 147). Hollis does not challenge the fact or duration of his confinement. Thus, he does not present claims properly before this court in a habeas corpus action. However, it is clear that the claims raised in the present pleading are ones which may be raised in a *Bivens* action.¹ The court therefore construes the instant application for habeas corpus relief as a *Bivens* action. The Clerk is hereby DIRECTED to open a separate civil case as a *Bivens* action, strike the application for habeas relief from the criminal case and docket the application in the newly opened civil case as the complaint. The aforementioned civil case shall be assigned to the undersigned for disposition.

Done this 16th day of May, 2007.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON

SENIOR UNITED STATES DISTRICT JUDGE

¹*Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)(federal officials may be sued in their individual capacities for violations of a person's constitutional rights).